



MEMO ENDORSED

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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NEW YORK, NY 10007

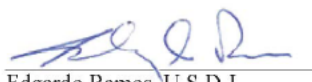
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November 7, 2023

VIA ECF

Honorable Edgardo Ramos
United States District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Motion to extend the time for defendants Steven Hussey, Christopher Puma, and Sean Holton to answer the amended complaint, until December 22, 2023, and a corresponding extension of all Section 1983 Plan deadlines is granted. SO ORDERED.


Edgardo Ramos, U.S.D.J.
Dated: 11/8/23
New York, New York

Re: *Valerio v. City of New York, et al.*, 23-CV-02876 (ER)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and attorney for defendants City of New York and Jeremy Stumer. I write to respectfully request that the Court, *sua sponte*, grant a 45-day extension of time, from November 7, 2023 to December 22, 2023, for defendants Steven Hussey, Christopher Puma, and Sean Holton to answer or otherwise respond to the Amended Complaint.¹ Defendants further respectfully request that, to the extent the Court is inclined to grant the within request, all deadlines pursuant to Local Civil Rule 83.1 be correspondingly extended. This is the first request for an extension to respond to the amended complaint for individual defendants Steven Hussey, Christopher Puma, and Sean Holton, and the third request for an extension of the Section 1983 Plan deadlines. Plaintiff's counsel, Eugene M. Bellin, consents to this request.

As to the procedural history, on July 20, 2023, Defendants requested a brief two-week extension to respond to the complaint on behalf of the City and a corresponding extension for all deadlines pursuant to the Section 1983 Plan, which was granted. *See* Docket Entry Nos. 12, 13. On August 3, 2023, the City filed its answer to the complaint. *See* Docket Entry No. 14. Thereafter, after Defendants served their initial disclosures on Plaintiff on August 29, 2023, there was a delay in Plaintiff serving initial disclosures on Defendants, which was attributed to Plaintiff's counsel tending to personal medical issues. Plaintiff's counsel was also unable to

¹ Upon information and belief, based on review of the Court docket, defendants Miguele Amoresano and Raymond Perez have not been served.

access Defendants' Initial Disclosures via email so Defendants mailed Plaintiff an additional copy. As a result, the parties requested a forty-five-day extension of the deadlines pursuant to the Section 1983 Plan on September 27, 2023, that was granted. *See* Docket Entry Nos. 16, 17. On October 12, 2023, the undersigned filed the answer to the complaint for defendant Jeremy Stumer. *See* Docket Entry No. 21.

The reason for this request is that, to date, the undersigned has not been able to resolve representation with defendants Steven Hussey, Christopher Puma, and Sean Holton to respond to the amended complaint. The additional time is needed for this office to obtain the necessary paperwork to determine representation and then for the undersigned to meet with these individual defendants. Further, the City needs more time to complete its investigation to provide Plaintiff with a settlement demand as multiple officers were present at the time of Plaintiff's arrest, including the newly added Defendants. This additional time is also needed for the undersigned to further review the over two hours of body worn camera footage that has been produced in this matter to complete Defendants investigation. Moreover, the additional time will allow for more time for Plaintiff to serve two of the newly added officers, defendants Miguele Amoresano and Raymond Perez, who, upon information and belief and according to the Court Docket, have not been served yet. Defendants are also in the process of obtaining the necessary paperwork to determine representation for defendants Miguele Amoresano and Raymond Perez so that, once served, representation for these individuals may be resolved at the same time as the other officers.

Accordingly, it is respectfully requested that the Court extend the deadline until December 22, 2023 for defendants Steven Hussey, Christopher Puma, and Sean Holton to respond to the Amended complaint. It is further respectfully requested that the remaining deadlines pursuant to Local Civil Rule 83.1 be correspondingly extended as indicated below:

- Deadline for City to respond to Plaintiff's settlement demand extended from November 13, 2023 to December 28, 2023;
- Deadline for Mediator schedule extended from November 20, 2023 to January 4, 2024.

The parties thank the court for its consideration herein.

Respectfully submitted,

Thomas Lai s/

Thomas Lai

Senior Counsel

Special Federal Litigation Division

To: **VIA ECF**
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Attorney for Plaintiff